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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,851

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Gerard Power

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ALCATEL LUCENT  
INTELLECTUAL PROPERTY & STANDARDS  
3400 W. PLANO PARKWAY, MS LEGL2  
PLANO, TX 75075

EXAMINER

CARDENAS NAVIA, JAIME F

ART UNIT

PAPER NUMBER

3623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,851	<b>Applicant(s)</b> POWER, GERARD	
	<b>Examiner</b> Jaime Cardenas-Navia	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Introduction*

1. This **FINAL** office action is in response to communications received on May 8, 2008. Claims 1, 2, 9, 11-13, 15, and 16 have been amended. Claims 1-16 are pending.

### *Response to Amendment*

2. Applicant's amendments to the specification are **sufficient to overcome the objections to the specification** as set forth in the previous office action.
3. Applicant's amendments to the drawings are **sufficient to overcome the objections to the drawings** as set forth in the previous office action.
4. Applicant's amendments to the claims are **sufficient to overcome all the 35 U.S.C. § 112, second paragraph, rejections** as set forth in the previous office action.
5. Applicant's amendments to the claims are **sufficient to overcome the 35 U.S.C. § 101 rejections** set forth in the previous office action.

***Response to Arguments***

6. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1 and 12 that (1) neither Behrens, Carlson, nor Stutely teach or suggest "translating said demand for said plurality of services into required bandwidth flows using forecasted data to determined network elements for use in said network over said period of time to provide said plurality of services". Additionally, Applicant argues that (2) all dependent claims are allowable as a result.

**Regarding argument (1)**, Examiner respectfully disagrees. Forecasts are predictions, often based on past data. Carlson teaches multiple methods for translating demand for services into bandwidth flows (par. 94, 95). Specifically, Carlson teaches doing so "utilizing statistical analyses of past bandwidth consumption of each user, or, alternatively, past bandwidth requested for each user, and the forecasted bandwidth includes the bandwidth expected to be consumed by each user or, alternatively, the bandwidth expected to be requested by each user (par. 95, lines 1-6)." All of these methods of translating demand for services into required bandwidth flows use forecasted data, and the last method does not use past data. Thus, Carlson clearly teaches predicting bandwidth flows using forecasted data.

**Regarding argument (2)**, Examiner respectfully disagrees. Dependent claims are not allowable as per the response to argument (1) above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-16 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Behrens et al. (US 7,082,401 B2) in view of Carlson et al. (US 2006/0120282 A1) and Stutely (Stutely, Richard. The Definitive Business Plan, 2<sup>nd</sup> Edition. FT Press. April 23, 2002).

**Regarding claim 1**, Behrens teaches:

A method for network planning (col. 1, lines 12-16), comprising the steps of:  
estimating demand for a plurality of services to be provided by a network over a period of time (col. 2, lines 39-45, col. 3, lines 29-32, 62-64);

translating said demand for said plurality of services to determine network elements for use in said network over said period of time to provide said plurality of services (col. 3, lines 64-67, col. 4, lines 1-2);

forecasting network growth over said period of time based upon said network elements and current network resources (col. 3, lines 29-32); and

forecasting financial metrics (col. 7, lines 17-21).

Behrens does not teach:

translating said demand for plurality of services into required bandwidth flows; and  
generating a forecasted profit and loss statement based upon said demand for said plurality of services, said network growth and said financial metrics.

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Carlson teaches:

translating said demand for plurality of services into required bandwidth flows using forecasted data (par. 94, lines 4-6, par. 95, lines 1-6).

The inventions of Behrens and Carlson pertain to improvements in providing network services. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Carlson does not teach away from or contradict Behrens, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the improvement in the accuracy of the forecasting which would lead to lower costs.

Stutely teaches generating a forecasted profit and loss statement based upon said demand for said plurality of services, said network growth and said financial metrics (Ch. 9, Net Profit section, p. 24-26. Examiner respectfully notes that the data used to generate the forecasted profit and loss statement constitutes non-functional descriptive material, as Stutely teaches generating a forecasted profit and loss statement using any data. Thus, as Behrens and Carlson teach collecting all necessary data, this non-functional descriptive material will not patentably distinguish the claimed invention from the prior art).

The disclosure of Stutely, Behrens, and Carlson pertain to forecasting the needs and finances of a business to ensure its success. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict

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Behrens or Carlson, but rather, teaches a function that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 2**, Behrens teaches:

A method as in claim 1, wherein said translating step comprises:

setting a utilization threshold for each of said network elements (col. 7, lines 23-26, 46-47, 53-54);

determining said network elements that may be used based upon said utilization threshold (col. 3, lines 64-67, col. 7, lines 39-46); and

generating a network model comprising said network elements that may be used (col. 6, lines 46-51).

Behrens does not teach:

estimating bandwidth flows for each of said plurality of services;

determining said network elements that may be used based upon said estimated bandwidth flows.

Carlson teaches:

estimating bandwidth flows for each of said plurality of services (par. 94, lines 4-6, par. 95, lines 1-6);

determining said network elements that may be used based upon said estimated bandwidth flows (par. 94, lines 4-6, par. 95, lines 1-6).

The inventions of Behrens and Carlson pertain to improvements in providing network services. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Carlson does not teach away from or contradict Behrens, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the improvement in the accuracy of the forecasting which would lead to lower costs.

**Regarding claim 3,** Behrens teaches:

estimation of said demand for said plurality of services and determination of network elements that may be used (col. 2, lines 39-45, col. 3, lines 29-32, 62-64); and

determination of network elements that may be used (col. 3, lines 64-67, col. 7, lines 39-46).

Neither Behrens nor Carlson teaches:

forecasting operating expenses over said period of time.

forecasting capital expenditures over said period of time.

Stutely teaches:

forecasting operating expenses over said period of time (Ch. 9, Operating Expenditure section, p. 18-23).



forecasting capital expenditures over said period of time (Ch. 9, Capital Spending, Capital Assets That You Already Own, Capital Assets That You Want, and Accounting for Fixed Assets sections, p. 9-17).

The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of computing deployment costs (col. 7, lines 17-21).

**Regarding claim 4,** Behrens teaches:

estimating demand for said plurality of services (col. 2, lines 39-45, col. 3, lines 29-32, 62-64).

Neither Behrens nor Carlson teaches:

forecasting revenue.

Stutely teaches:

forecasting revenue (Ch. 8, Forecasting Sales Volumes and Up Close and Personal – Industry and Product Demand sections, p. 1-8).

The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their

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respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 5**, neither Behrens nor Carlson teaches:

depreciating said capital expenditures forecast to generate a capital expense depreciation forecast.

Stutely teaches:

depreciating said capital expenditures forecast to generate a capital expense depreciation forecast (Ch. 9, Capital Assets That You Already Own, p. 10-11).

The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 6**, neither Behrens nor Carlson teaches:

forecasting an operating income based upon said operating expenses forecast, said capital expenditures forecast, and said capital expense depreciation forecast.

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Stutely teaches:

forecasting an operating income based upon said operating expenses forecast, said capital expenditures forecast, and said capital expense depreciation forecast (Ch. 9, Net Profit section, p. 24-26).

The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 7**, neither Behrens nor Carlson teaches:

forecasting a net income based upon said operating income forecast and other expenses.

Stutely teaches:

forecasting a net income based upon said operating income forecast and other expenses (Ch. 9, Net Profit section, p. 24-26).

The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of

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ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 8**, Behrens teaches:

determining a net change in network elements (col. 7, lines 39-43).

Neither Behrens nor Carlson teaches:

determining a net change in network elements based upon said capital expenditures forecast, said capital expense depreciation forecast and said net income forecast.

Stutely teaches:

determining a net change in elements based upon said capital expenditures forecast, said capital expense depreciation forecast and said net income forecast (Ch. 11, Will It Pay Off? section, p. 35-40).

The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 9**, neither Behrens nor Carlson teaches:

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wherein generating said forecasted profit and loss statement further includes generating said forecasted profit and loss statement based on said net income.

Stutely teaches:

wherein generating said forecasted profit and loss statement further includes generating said forecasted profit and loss statement based on said net income (Ch. 9, Net Profit section, p. 24-26. Examiner respectfully notes that the data used to generate the forecasted profit and loss statement constitutes non-functional descriptive material, as Stutely teaches generating a forecasted profit and loss statement using any data. Thus, as Behrens, Carlson, and Stutely teach collecting all necessary data, this non-functional descriptive material will not patentably distinguish the claimed invention from the prior art).

The disclosure of Stutely, Behrens, and Carlson pertain to forecasting the needs and finances of a business to ensure its success. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 10**, neither Behrens nor Carlson teaches:

wherein said profit and loss statement comprises a cash flow analysis.

Stutely teaches:

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wherein said profit and loss statement comprises a cash flow analysis (Ch. 10, Balance Sheets and Cash Flow Mechanics section, p. 29-34, Ch. 11, Will It Pay Off? section, Step 1: Making Your Cash Flow Forecasts subsection, p. 35-36).

The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 11**, Behren teaches:

wherein said method is automated (col. 1, lines 12-16, col. 4, lines 28-32).

**Regarding claim 12**, Behrens teaches:

A method for forecasting profitability of a network carrier (col. 7, lines 17-21) utilizing at least one network model having a plurality of network elements (col. 6, lines 46-51) comprising the steps of:

estimating demand for a plurality of services to be provided by a network over a period of time (col. 2, lines 39-45, col. 3, lines 29-32, 62-64);

determining a network model comprising a plurality of network elements (col. 6, lines 46-51) based upon a utilization threshold for each of said plurality of network elements (col. 7, lines 23-26, 46-47, 53-54);

forecasting network growth over said period of time based upon said network model and current network resources (col. 3, lines 29-32);

estimating said demand for said plurality of services and said network model (col. 2, lines 39-45, col. 3, lines 29-32, 62-64, col. 7, lines 23-26, 46-47, 53-54);

Behrens does not teach:

estimating bandwidth flows for each of said plurality of services using forecasted data;

determining a network model comprising a plurality of network elements based upon said estimated bandwidth flows;

generating a forecasted profit and loss statement based upon said demand for said plurality of services and said network model.

Carlson teaches:

estimating bandwidth flows for each of said plurality of services (par. 94, lines 4-6, par. 95, lines 1-6);

determining a network model comprising a plurality of network elements based upon said estimated bandwidth flows (par. 94, lines 4-6, par. 95, lines 1-6).

The inventions of Behrens and Carlson pertain to improvements in providing network services. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Carlson does not teach away from or contradict Behrens, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to

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combine the teachings, motivated by the improvement in the accuracy of the forecasting which would lead to lower costs.

Stutely teaches:

generating a forecasted profit and loss statement based upon said demand for said plurality of services and said network model (Ch. 9, Net Profit section, p. 24-26. Examiner respectfully notes that the data used to generate the forecasted profit and loss statement constitutes non-functional descriptive material, as Stutely teaches generating a forecasted profit and loss statement using any data. Thus, as Behrens, Carlson, and Stutely teach collecting all necessary data, this non-functional descriptive material will not patentably distinguish the claimed invention from the prior art).

The disclosure of Stutely, Behrens, and Carlson pertain to forecasting the needs and finances of a business to ensure its success. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 13**, Behrens teaches:

forecasting network growth (col. 3, lines 29-32).

Neither Behrens nor Carlson teaches:

determining financial responsibility based upon said forecasted profit and loss statement.



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Stutely teaches:

determining financial responsibility based upon said forecasted profit and loss statement (Ch. 9, Net Profit section, p. 24-26, Ch. 11, Will It Pay Off? section, p. 35-40).

The disclosure of Stutely, Behrens, and Carlson pertain to forecasting the needs and finances of a business to ensure its success. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 14**, Behrens teaches:

estimating demand for a plurality of services (col. 2, lines 39-45, col. 3, lines 29-32, 62-64) and determining a network model (col. 6, lines 46-51).

Neither Behrens nor Carlson teaches:

forecasting operating expenses and capital expenditures.

Stutely teaches:

forecasting operating expenses over said period of time based upon demand for a plurality of services and a business model (Ch. 9, Operating Expenditure section, p. 18-23); and

forecasting capital expenditures over said period of time based upon a business model (Ch. 9, Capital Spending, Capital Assets That You Already Own, Capital Assets That You Want, and Account for Fixed Assets sections, p. 9-17).

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The disclosure of Stutely pertains to a known technique that is applicable to the invention of Behrens and Carlson. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of computing deployment costs (col. 7, lines 17-21).

**Regarding claim 15**, neither Behrens nor Carlson teaches:

forecasting revenue;

forecasting operating income based upon said revenue forecast, said operating expenses forecast and said capital expenditures forecast;

forecasting other expenses; and

forecasting net income.

Stutely teaches:

forecasting revenue (Ch. 8, Forecasting Sales Volumes and Up Close and Personal – Industry and Product Demand sections, p. 1-8);

forecasting operating income based upon said revenue forecast, said operating expenses forecast and said capital expenditures forecast (Ch. 9, Net Profit section, p. 24-26);

forecasting other expenses (Ch. 9, Net Profit section, p. 24-26, Other Income and Expenditure section, p. 27-28); and

forecasting net income (Ch. 9, Net Profit section, p. 24-26).

The disclosure of Stutely, Behrens, and Carlson pertain to forecasting the needs and finances of a business to ensure its success. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Stutely does not teach away from or contradict the inventions of Behrens and Carlson. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the teaching in Behrens of optimizing the network plan (col. 7, lines 39-43).

**Regarding claim 16**, Behrens teaches:

wherein said method is automated (col. 1, lines 12-16, col. 4, lines 28-32).

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Thur, 9:30AM - 8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 8, 2008

/J. C./

Examiner, Art Unit 3623

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623